

J.F. 227-1-

G. R. S. IX-5]

Previous references.

1879-80

Incomple-

File No. 5-18 19

Serial Nos. 1-8.

191.

(65)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8.

M ~~Part B~~ for Jan'y 1893

SUBJECT.

Modification of the 'Rules' regarding the process fees
in small cause courts on the file of Dist Courts.

W

250
109
103

Lo

no. 1966 in this
232

Bangalore

23rd August 1879.

From,

to

5-1879

To,

D. Sandford Esquire

Judicial Commissioner
of Mysore

The General Secretary to the
Chief Commissioner
of Mysore

Sir,

In reply to your No. 2692 of the
3rd February last, I have the honor to state
that after consulting the Judges of the Civil
Courts, I have thought it better to recast the
Rules for regulating the execution and
cost of Processes issued by those Courts
in order to adopt certain changes that seemed
desirable, and to bring the form of the
Rules more into accord with the directions
of the Court Fees Act.

2-

I have therefore prepared two separate

sets of Rules' as required by sections 20 and 23 of
the act.

3. The principal changes are that I have provided for the reduction in the rates of remuneration of process servers when the receipts do not cover the expenditure for the adoption of the lower rates of fees in Courts of small Causes, for the execution of warrants of Arrest by Ameens ordinarily instead of Peons, when the amount of Decree exceeds Rs. Rs 50, and for the occasional entertainment of special peons to provide for a press of work.

4. Also I have struck out the fee for warrants of sale as it has been thought a better arrangement that the officers holding the sale should be remunerated by a small percentage on the proceeds realized: and I have substituted an uniform fee for process of attachment instead of one varying according to the value of suit or decree.

5. And lastly I have inserted a clause
empowering the Judicial Commissioner to assign an
allowance to the Nazir of the Court for the superintendence of the Process serving Establishment when the state of the funds permits.

6. Some other unimportant alterations have been made which it does not seem necessary to specify.

7. I hope that the rules now framed may be approved by the Chief Commissioner and be forwarded for the sanction of the Governor General in Council.

I have the honor to be
Sir

Yours Most Obedient Servant

W. S. A. P.
Judicial Commissioner.

2/6

✓
C-158

1879-02577.

[Faint handwritten notes at top left:]
I have
The first form of
the year Secretary
to the Commission
Sept 1007
232 m: No 2.

[Main body of the document:]

The first form of the year Secretary to the Commission Sept 1007

232 m: No 2.

Forwarded as per instructions of Rules as required by Section 1-23 of the first form for regulating execution and of Procees

Are the rules which Govt
passed last Feb proposed
J.B. & C.C. or did Govt
pass them of their own accord
refers bearing on that
point to be put up
M/L 28/8

[Faint handwritten notes, possibly "rules are..."]

THE FOLLOWING
The following Rules as to the number of Officers to be employed for the Service and Execution of Processes have been made by the Judicial Commissioner, under section 23 of the Court Fees Act, 1870, and have been approved by the Chief Commissioner and the Governor-General in Council.

1. Every warrant for the attachment of property, and every warrant for the sale of property, in the interior of Districts and every warrant for the delivery of property, and every injunction, and every warrant of arrest, when the amount of ^{the} decree exceeds 50 Rupees, shall ordinarily be executed by Amins.
Note. Sales at the Court house will ordinarily be conducted by the Amins.
2. Every summons and other process not specified in Rule 1, shall ordinarily be served and executed by Peons.
3. The District Judge shall ascertain the average number of processes issued from his own Court and from each of the Courts ^{intermediate}

1821-22 502*

Subordinate to him, required to be executed by Amis and Peons respectively, under these Rules, during the 3 years last past, or during any lesser period, that may be specified by the Judicial Commissioner.

4. The Amis and Peons to be employed in each Court shall be in number sufficient for the execution of a like number of processes each Amis being for this purpose considered capable of executing one hundred processes annually, and each Peon capable of executing three hundred processes in the Munsiff's Courts, and two hundred in the Courts of higher grades: Provided that the Judicial Commissioner may, on sufficient cause shown, and with reference to the peculiar circumstances of any Court, modify the rate above mentioned with regard to such Court.

5. When it appears to the District Judge that the number of processes issued
out

out of any Court has increased so as to render
an increase of Establishment necessary,
he shall be competent to make the
 requisite increase in the number of
Amins or Deons; and if there shall be a
diminution of process and if he shall
be satisfied that the processes of any
Court can be executed by a smaller number
of Amins or Deons, or if it appears that
the costs and charges exceed the receipts,
it shall be his duty to make a re-
-duction accordingly; Provided that
intimation of all changes effected under
this Rule shall be reported to the
Judicial Commissioner for sanction, and
that all extra officers appointed shall be
placed on the Temporary Establishment,
until such time as it is evident that
it is necessary to place them on the or-
-dinary Establishment.

6 It shall also be competent to the Judge
of any Court to appoint special persons for
the service or execution of any indi-
vidual process, or for the custody of
property attached, when the work can-
not be performed by the ordinary Sta-
blishment without unreasonable delay.
Such special persons shall be remunerated
at the rate of 3 annas per diem.

Exb

J. D. M. S. L.
Judicial Commissioner

out of any Court has increased so as to render an increase of Establishment necessary, he shall be competent to make the requisite increase in the number of Amins or Peons; and if there shall be a diminution of processes and if he shall be satisfied that the processes of any Court can be executed by a smaller number of Amins or Peons, or if it appears that the costs and charges exceed the receipts, it shall be his duty to make a reduction accordingly; Provided that intimation of all changes effected under this Rule shall be reported to the Judicial Commissioner for sanction, and that all extra officers appointed shall be placed on the Temporary Establishment, until such time as it is evident that it is necessary to place them on the ordinary Establishment.

The following Rules as to

- (1) the fees chargeable for serving and executing processes issued by the Civil Courts, - and
- (2) the remuneration of the Pleaders and all other persons employed in the service or execution of processes, having been made by the Judicial Committee, and having been confirmed by the Chief Commissioner, and sanctioned by the Governor General in Council, are hereby published, under Section 20 of the Court Fees Act, 1870.

For, and in respect of the service of a process issuing from the Court of a Munsiff, or Court of Small Causes, or any Court sitting as a Court of Small Causes, there shall be payable by the party, at whose instance, such process is to be served, a fee of the amount specified in Schedule No. I, annexed to these Rules, and such process shall not be served or executed, until such fee

of the District Judge. The proportion of Amins in the higher grade in the other Courts of the District, shall not exceed one to two in the lower grade, and the proportion of Peons in the higher grade, shall not exceed one to three in the lower grade. The Amins and Peons of the higher grade shall be divided among the Courts of the District in the same proportion, viz, whenever there are attached three Amins to any Court, one of them shall be of the higher grade, and where there are four or more than four peons attached to any Court, one of every four peons shall be of the higher grade. In exceptional cases, and with the previous sanction of the Judicial Commissioner, travelling allowance may be given in addition to salary.

5. Should the amount of fees levied under these Rules, in any Court, not be equal to the amount of the expenditure incurred in remuneration

fee shall have been duly paid.

2. For and in ^{the} ^{the} respect of the service or execution of a process, ~~in~~ issuing from any civil court in the Province of Mysore, above the grade of a Munsiff's Court, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in Schedule No. II, attached to these Rules, and such process shall not be served or executed unless such fee shall have been duly paid.

3. All processes shall be served or executed by a separate establishment, which shall consist of ~~an~~ Amins and Peons.

4. There shall be two grades of Amins, remunerated by salaries of Rupees 16 and 14 respectively, and two grades of Peons remunerated by salaries of Rupees 8 and 7 respectively. There shall be, at least, one Amin of the higher grade, and one Peon of the higher grade, attached to the Court
of

of process servers, the Judicial Commissioner may, at all times, reduce the rates of remuneration allowed by the preceding Rule.

6. The Establishment of Amins and Peons, and the service and execution of all processes shall be subject to the superintendence of the Nazir of each Court, and it shall be lawful to the Judicial Commissioner, where the state of the funds permit, to assign an allowance not exceeding Rupees 20 per mensem, to such Nazir, as remuneration for his superintendence.

Schedule No. I.

In the Munsiff's Court and in Courts of Small Causes.

Summons to Defendant—	R. A. P. — 8 —
And for every additional Defendant, if applied for at the same time, and if Defendant resides in the same neighbourhood.	— 4 —
Summons to a witness—	— 8 —
And for every additional witness, if applied for at the same time, and if the witness resides in the same neighbourhood.	— 4 —

3 Warrant of arrest ———— A. P. P.
1 — 2 — 2

4 Proclamation of attachment or sale } ———— 8 —

5 Warrant of attachment of movable or immovable property. } ———— 1 — 4 —

6 Warrant of delivery of possession of property (movable or immovable). }

If no attachment has taken place, — { The fee for attachment of said property.

If attachment has taken place

For movable property ———— 8 —

For immovable property ———— 1 — 4 —

7 Injunction, order or notice, not otherwise provided for, } ———— 8 —

N.B. (1) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places) double fees are to be charged.

(2) When it is necessary to appoint a Custodian of the property attached under section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application

tion the warrant was issued at the
 end of 5 days and for every additional
 period of 5 days or less during which
 the property is kept under attachment.

Schedule No. II.

In Courts above the grade of a Munsiff's Court.

R. A. P.

Summons or notice to Defendant
 or respondent. } 1 - - -

And for every additional de-
 fendant or respondent, if
 applied for at the same
 time, and if defendant or
 respondent resides in the
 same neighbourhood } - - 8 - -

Summons to a witness - - - 1 - - -

And for every additional
 witness, if applied for at
 the same time, and if wit-
 ness resides in the same
 neighbourhood. } - - 8 - -

Warrant of arrest - - - 2 - - -

Proclamation of attachment
 or sale } 1 - - -

Warrant of attachment
 of movable or immovable
 property. } 2 - - -

Warrant of delivery of
 possession of property
 (movable or immovable)

If no attachment has taken place. { The fee for attachment
 of said property.

If attachment has taken place

For movable property - - - 1 - - -

For immovable property - - - 2 - - -

7. Injunction, order or notice,
 not otherwise provided for - 1 - - -

N.B. (1) When it is found necessary
 to employ more than one amir or

Deon

(as for instance, where property is situated in different places,) double fees are to be charged.

2. When it is necessary to appoint a custodian of the property attached under section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued, at the end of 10 days, and for every additional period of 10 days or less, during which the property is kept under attachment.

1/6

W. Macfarland
Judicial Commissioner

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F-158

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From

The Judicial Commissioner
of Mysore

CH

5-1879

2

The General Secretary to the
Chief Commissioner
of Mysore

Dated 6th 3
Sept 8th 3
Sept 8th 3
September 1899.

General No. 2128
250.

Requests that four annas
diem may be substituted for
3 annas as the pay of special
peons referred to in Rule 6 of the
proposed rules under section 23 of
the Court Fees act which were
forwarded with No. 1966
232 of the 23rd

Ultimo—

In witness whereof

At

no. $\frac{2128}{250}$

Bangalore 6th September 1899.

MS. B. 1. 1. 1. 1.

(2)

From.

J. D. Sandford Esquire,
Judicial Commissioner
of Mysore.

To,

The General Secretary to the
Chief Commissioner
of Mysore

Sir,

I have the honor to request that
4 annas per diem may be substituted for
3 annas as the pay of special peons, referred
to in Rule 6 of the proposed Rules under Section
23 of the Court Fees act, 1870, which were
forwarded with my letter No. $\frac{1966}{232}$ of the 23rd Septm.

I have the honor to be,
Sir,

Your Most Obedient Servant,

W. D. Sandford
Judicial Commissioner.

Bl

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-15-8

1879.

③

From the Sea: to the bl: bonnet
of My store.

Th. The Secy: to the Govt: of India,
Foreign Depart
Simla.

Dated Camp Mysore, 17th Sept'r.

Despatched _____ 1900 _____

Received

Enclosures No. 2- } Drafts
4816. ✓ } of revised
Rules.

General No. 4816 ✓

9 No. 83

Submits for sanction two drafts of revised rules framed under sections 20 and 22 of the Court Fees Act VII of 1870, for regulating the execution and costs of processes issued by the Civil Courts in Mysore.

had come to light, for instance
it was found that by the
operation of the new code of
Civil Procedure and rules
persons who were badly paid
and from whom no security
is taken might be entrusted
with the whole of a judgment
debt paid by a judg^t debtor agt
whom a warrant of arrest had
issued and that the temptation
to which they ~~were~~^{might} thus be put
~~was~~ might be too great.

In fact such a case occurred
and a person absconded ^{with} the amt
of a decree which had been
paid him by a judg^t debtor.
The necessity for revising
the rules having arisen in
one particular the occasion was
taken to go thoroughly into
the question and ^{to} recast
the rules in a shape which
it is believed will need no further alteration.
~~altering~~ while the Procedure
Code and the constitution
of the Courts in Mysore
remain the same.

I am therefore desirous
to solicit the sanction of Govt
to the two sets of Rules framed
under Secs 20 & 22 of Act of 1870
as early as is convenient.

M. J. G. Shrivatsa

20 Apr 1891

No. 4816
of 83

Mysore Chief Commr's Office
At Camp Mysore 17th Sept 1879

To the Secy to Govt of India
Foreign

(3)

Sir

With reference to yg. endorsement
N^o 16 of dated 29th Jan'y 1879 for
forwarding copy of a Note of the
same date approving of Rules
for regulating the execution of
processes issued by the Civilts
in Mysore. I am directed by
the Chf Commr to submit for the
approval of Govt two drafts of
revised rules under Sects 20
& 22 of the Ct Res Act VII of 1870

When the rules which were
published as above stated were
submitted for sanction of Govt
with Col Clarke's letter N^o 5717 &
dated 15th Oct^r 1878 the changes
which were recommended on
the old rules of 1872 were in the
matter of remuneration
of peons and amins and
in the n^o of processes they
were required to serve These
matters were all which had
then come under discussion
but before the approval of the
Govt of India was accorded to
the amendments other points
in which the rules were defective

P-158

If the J.C. thinks proper
an order of C.C. in terms
of the proposed rules 1 & 2
(under sec 22 of fees act) will
be issued. It

It is presumed that the
amount of specific fees
for warrants of sale is
intentional

6/1 J.C.

4
S-1579
4

From Under Secy. to Govt. of India,
Foreign Dept.

To Ch. Commr. of Mysore.

Dated 30 Decr 1879.

Recd 6 Jan 1880.

Inclos. No. 1 copy of Rules.
before copies of letter
61-- Rules.

No. 3

Sanctioning, with
certain modifications,
the proposed to be is-
sued under Sections 20
and 21 of Act No. VII. of
1870 (the Court Fees Act).

Reces

6/1 80

The rules will be
published in the gazette
Copy of them of Govt. letter
to J.C. with reference to his No. ...
previous correspondence

No. 352-I.J.

FROM

THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE CHIEF COMMISSIONER OF MYSORE.

FORT WILLIAM, the 30th December 1879.

SIR,

FOREIGN DEPT.
Judicial.

I AM directed to acknowledge your Secretary's letter No. 4816-G.83, dated 17th September 1879, submitting two drafts of revised rules which you propose to issue under sections 20 and 22 of Act No. VII. of 1870 (the Court Fees Act).

2. In reply, I am to say that the Governor-General in Council approves and sanctions the rules with the following modifications:—

(a.) *Rules under Section 20.*—The words “having been,” which precede the words “confirmed by the Chief Commissioner” in clause 2 of the preamble, to be omitted. The word *lower* to be substituted for “higher” in the passage in clause 4 quoted in the margin.
“shall not exceed one to three in the higher grade.”

(b.) *Rules under Section 22.*—The words “have been,” which precede the words “approved by the Chief Commissioner,” in the preamble, to be omitted.

Rules 1 and 2 to be entirely omitted, as they relate to a matter which section 22 of the Act does not refer to. The necessary executive orders in regard to them may, however, be issued by you.

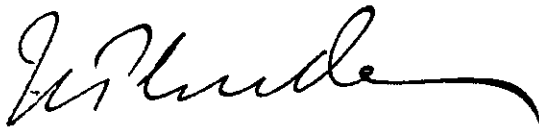
3. The omission in Schedule I of the rules, proposed by you under section 20, of any specific fee for warrants of sale is, I am to remark, understood by the Government of India to be intentional.

4. Copies of the rules as amended are forwarded herewith.

I have the honor to be,

SIR,

Your most obedient servant,



Under-Secretary to the Govt. of India.

(Copy)

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w

THE following Rules as to (1) the fees chargeable for serving and executing processes issued by the Civil Courts; and (2) the remuneration of the Peons and all other persons employed in the service or execution of processes, having been made by the Judicial Commissioner, and confirmed by the Chief Commissioner, and sanctioned by the Governor-General in Council, are hereby published under Section 20 of the Court Fees Act, 1870:—

1. For, and in respect of the service of a process issuing from the Court of a Munsiff, or Court of Small Causes, or any Court sitting as a Court of Small Causes, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in Schedule No. I, annexed to these Rules, and such process shall not be served or executed, until such fee shall have been duly paid.

2. For, and in respect of the service or execution of a process issuing from any Civil Court in the Province of Mysore, above the grade of a Munsiff's Court, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in Schedule No. II, attached to these Rules, and such process shall not be served or executed unless such fee shall have been duly paid.

3. All processes shall be served or executed by a separate establishment, which shall consist of Amins and Peons.

4. There shall be two grades of Amins, remunerated by salaries of Rupees 16 and 14 respectively, and two grades of Peons, remunerated by salaries of Rupees 8 and 7 respectively. There shall be, at least, one Amin of the higher grade, and one Peon of the higher grade, attached to the Court of the District Judge. The proportion of Amins in the higher grade in the other Courts of the district, shall not exceed one to two in the lower grade, and the proportion of Peons in the higher grade shall not exceed one to three in the lower grade. The Amins and Peons of the higher grade shall be divided among the Courts of the district in the same proportion, *viz*, whenever there are attached three Amins to any Court, one of them shall be of the higher grade, and where there are four or more than four Peons attached to any Court, one of every four Peons shall be of the higher grade. In exceptional cases, and with the previous sanction of the Judicial Commissioner, travelling allowance may be given in addition to salary.

5. Should the amount of fees levied under these Rules in any Court, not be equal to the amount of the expenditure incurred in remuneration of process servers, the Judicial Commissioner may, at all times, reduce the rates of remuneration allowed by the preceding Rule.

6. The establishment of Amins and Peons, and the service and execution of all processes shall be subject to the superintendence of the Nazir of each Court, and it shall be lawful to the Judicial Commissioner, where the state of the funds permit, to assign an allowance not exceeding Rupees 20 per mensem, to such Nazir, as remuneration for his superintendence.

SCHEDULE NO. I.

<i>In the Munsiff's Court and in Courts of Small Causes.</i>				<i>Rs. a. p.</i>
1.—Summons to defendant	...	...	...	0 8 0
And for every additional defendant, if applied for at the same time, and if defendant resides in the same neighbourhood	...	...	...	0 4 0
2.—Summons to a witness	...	...	...	0 8 0
And for every additional witness, if applied for at the same time, and if the witness resides in the same neighbourhood	...	...	...	0 4 0
3.—Warrant of arrest	...	...	...	1 0 0
4.—Proclamation of attachment or sale	...	...	...	0 8 0
5.—Warrant of attachment of movable or immovable property	...	...	...	1 0 0
6.—Warrant of delivery of possession of property, movable or immovable—				
If no attachment has taken place	...	...	...	The fee for attachment of said property.
If attachment has taken place—				
For movable property	...	...	...	
For immovable property	...	...	...	1 0 0
7.—Injunction, order, or notice, not otherwise provided for	...	...	...	0 8 0

N.B.—(1.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places) double fees are to be charged.

(2.) When it is necessary to appoint a custodian of the property attached under Section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued at the end of five days, and for every additional period of five days or less, during which the property is kept under attachment.

SCHEDULE II.

<i>In Courts above the grade of a Munsiff's Court.</i>				<i>Rs. a. p.</i>
1.—Summons or notice to defendant or respondent	...	...	...	1 0 0
And for every additional defendant or respondent, if applied for at the same time, and if defendant or respondent resides in the same neighbourhood	...	...	...	0 8 0
2.—Summons to a witness	...	...	...	1 0 0
And for every additional witness, if applied for at the same time, and if witness resides in the same neighbourhood	...	...	...	0 8 0
3.—Warrant of arrest	...	...	...	2 0 0
4.—Proclamation of attachment or sale	...	...	...	1 0 0
5.—Warrant of attachment of movable or immovable property	...	...	...	2 0 0
6.—Warrant of delivery of possession of property (moveable or immovable)—				
If no attachment has taken place	...	...	...	The fee for attachment of said property.
If attachment has taken place	...	...	...	
For movable property	...	...	...	
For immovable property	...	...	...	2 0 0
7.—Injunction, order, or notice, not otherwise provided for	...	...	...	1 0 0

N.B.—(1.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places) double fees are to be charged.

(2.) When it is necessary to appoint a custodian of the property attached under Section 269 of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued at the end of 10 days, and for every additional period of 10 days or less, during which the property is kept under attachment.

THE following Rules as to the number of officers to be employed for the service and execution of processes have been made by the Judicial Commissioner under Section 22 of the Court Fees Act, 1870, and approved by the Chief Commissioner and the Governor-General in Council :—

1. The District Judge shall ascertain the average number of processes issued from his own Court and from each of the Courts subordinate to him, required to be executed by Amins and Peons, respectively, under these Rules during the three years last-past, or during any lesser period that may be specified by the Judicial Commissioner.

2. The Amins and Peons to be employed in each Court shall be in number sufficient for the execution of a like number of processes, each Amin being for this purpose considered capable of executing one hundred processes annually, and each Peon capable of executing three hundred processes in the Munsiff's Courts, and two hundred in the Courts of higher grades: provided that the Judicial Commissioner may, on sufficient cause shown, and with reference to the peculiar circumstances of any Court, modify the rate above-mentioned with regard to such Courts.

3. When it appears to the District Judge that the number of processes issued out of any Court has increased so as to render an increase of establishment necessary, he shall be competent to make the requisite increase in the number of Amins or Peons; and if there shall be a diminution of processes and if he shall be satisfied that the processes of any Court can be executed by a smaller number of Amins or Peons, or if it appears that the costs and charges exceed the receipts, it shall be his duty to make a reduction accordingly: provided that intimation of all changes effected under this Rule shall be reported to the Judicial Commissioner for sanction, and that all extra officers appointed shall be placed on the temporary establishment, until such time as it is evident that it is necessary to place them on the ordinary establishment.

4. It shall also be competent to the Judge of any Court to appoint special Peons for the service or execution of any individual process, or for the custody of property attached, when the work cannot be performed by the ordinary establishment without unreasonable delay. Such special Peons shall be remunerated at the rate of 4 annas per diem.

(True Copy)



Honorary Assistant-Secretary,
Foreign Department.

15-8

S. S. 1879

From the Secy. to the Chief Commr.
of Mysore.

To the Compiler, Mysore Gazette.
The Judicial Commr.

Dated Bangalore, 10 January
Despatched: 10

Enc: No. 3 }
Copy of Rules
to Comr.
1 Copy of
Letter No.
352 to
Jud. Commr.

Genl. No. 7446
G.O. 147

Passing orders regarding
revised rules issued under
Section 20 and 22 of the Court
Fees Act (VII of 1870).

For Genl. Comr. O. 4/43

Read

(5)

ctb

5-1879

5

Letter No. 352 J of
30th December 1879, from
the Under Secretary to the
Government of India,
Foreign Department,
sanctioning, with certain
modifications, revised
rules proposed to be
used under Sections 20
and 22 of the Court
Fees Act (VII of 1870).

Order:— no. $\frac{7146}{8.1471} \frac{2107}{1/80}$.

Copies of the rules
sanctioned by the Govt
of India will be forwarded
to the Comptroller, Mysore Gazette,
for publication.

2. Copies of the rules and
of the letter from the

Government of India
above read, will also
be forwarded to the
Judicial Commission
with reference to his
letter No. 1966 of 23 Aug/49
and previous correspondence.
3/ If the Judicial Commission
thinks proper, an order
of the Chief Commissioner
in terms of the proposed
rules 1 & 2 (under
Section 22, Court Fees Act)
will be issued. It is
presumed that the
omission of specific fees
for warrants of sale in
the Schedules of the rules under S. 20 of the Act,
~~in the proposed rules~~
was intentional.

(M)
Secretary

KL
9/1/80

To
The Compiler Mysore Gazette
! 2/1/80

I
To-158

1879.80. C4143

From The Joint Commissioner
Bangalore.

To

(6)

Secretary to Chief Commissioner,
General Department.

Dated 13th Jan'y 1880

Despatched 15th —

Received 15th —

Enclosures No.

General No. 3617 } 187 —7
No. 437. }

Referring this No. 7146
of 10th instant, gives his opinion
regarding the number of Amcans
and Peons, employed in the Process
serving Establishment.

File
M-161

Index

by a Rule issued under my authority in accordance with Section 652 of the Code of Civil Procedure, although the Section is not so appropriate as Section 22 of the Court Fees Act. I will not therefore trouble the Chief Commissioner to issue any order on the Subject.

3. The omission of a fee for warrants of sale was intentional, as explained in the 4th para of my letter No. $\frac{1966}{232}$ dated 23rd August 1879 -

I have the honor to be
Sir

Your Most Obedient Servant

W. D. D. (S)
Judicial Commissioner

L. b

No 3617
437.

Bangalore 13th January 1880

From,

(6)
J. D. Sandford Esquire
Judicial Commissioner
of Mysore

To,

The Secretary to the
Chief Commissioner
of Mysore.

General Department

Sir,

With reference to your No. $\frac{7146}{1471}$
of the 10th Instant, I have the honor to
state that after consideration I arrived at the
opinion that the Rules 1 and 2 as originally
proposed by me, did come within the scope
of Section 22 of the Court Fees Act, since the
number of ameen and Peons necessary to be
employed could not be determined without
stating what processes should ordinarily be
executed by ameen and what by Peons.

2. However as the Government of India
has admitted the Rules, I can supply the deficiency

by

1884 - 88 13-32

From, ~~re: Chief Justice~~
My com.

as!
5-1879

7

The Devan to His Highness
the Maharajah of Mysore

L^d 4th } Decr 1884.
Despatch }

Enc: 1

No 405
29

Forwards for the order of
Government the accompanying copy
a letter No 2 of 29: Ultimus from his
subordinate Judge & is in regard to
suggesting that the scale of fees
laid down for Munsiff's Court
may be made applicable to small
cases filed & decided within
30 mts.

approved
if necessary

7.6.83
78

No 405-
29

Bangalore 4th June 1884

~~1884-85~~ 1884

From,

(7)

C. G. Plumer Esq^{re}

Chief Judge of Mysore

To,

The Dewan to His Highness
the Mahrajah
of Mysore

Sir

I have the honor to forward
for the orders of Government, the
accompanying copy of a letter N^o 2
dated the 29th Ultimo, from the Subor-
dinate Judge of Bangalore, sug-
gesting that the scale of fees
sanctioned by the late Chief Com-
missioner's Notification N^o 261 dated
10th January 1880, for the service and
execution of Procees in the
Munsiff's Courts, may be made
applicable to small cause suits
filed and disposed of in his Court.

Sanction

2 I may add that I and Mr.
Thumboo Chetty, the 3rd Judge being
absent, agree in thinking that the

suggestion should be adopted, and
that the rule should be modified

I have the honor to be
Sir,
Your most Obedt. Servant

Wm. H. Miller
Chief Judge.

Feb

"A. 2."

Bangalore Sub Court
29th May 1884

(7a)

From,
The Subordinate Judge
Bangalore District

To,
The Registrar of the
Chief Court of Mysore

Sir,
I have the honor to suggest,
for sanction, that the scale of fees
laid down for Munsiff Courts,
may be made applicable to small
causes filed and disposed of in
this Court, in order to avoid excessive
costs in suits of small value.

I have &c
Signed / C. Greff
Subordinate Judge.

"Copy"

S. Hanumanth Rao

Registrar

6/6

no 9972 of 3-1-93.
9557-92

ch
5-1899.
Nr 8

9

The Chief Judge
Jellymore

Sir,

With reference to ~~your~~
letter no 405 dated the 4th
June 1884 from Mr. Plummer,
I have the honor to state
that the scale of fees prescribed
for processes issued from the
Municipal as well as from
the ~~Subordinate~~ ^{Small Cause} Courts being
the same, there is no objection
to the same scale being adopted
for processes issued in
Small Cause cases on the
file of the Sub-Judge's Courts
though these Courts are not
designated Small Cause
Courts, and that it is believed
that this course is at present
adopted.

Muri

I enclose the
2 Minutes & for the
fair copy

57

The scale of fees for both
original suits and Small
causes in the Municipal

Courts being the same, I
request that you will be
so good as to state whether
in view of representations made
in the Barara Representative
Assembly you would recommend
any reduction of fees in small
causes in Municipal Courts. —

I have seen

AM
37 Off. Dewan
1/9/3

As miffs receive
penalty in small
causes up to
50 Rs. and as in
ants ^{of both parties} ~~of both parties~~ ^{the} ~~the~~
miffs find ^{the} ~~the~~
the costs it seems
desirable to reduce
the fees now paid
for the miffs ^{to} ~~to~~
what extent the
reduction should ^{actually} ~~be~~
made may be
considered by you
in consultation with
your colleagues &
the opinion of the
it interested by
the cause & order
of fact — It is suggested

that the scale of fees
may be reduced by 50
% in the coming
small causes.